

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF SOUTH CAROLINA**

In re:

Travis Cardale Southerland, Sr. and Crystal  
Southerland,

Debtors

Case No. 22-00122-dd

Chapter 13

**OBJECTION TO CONFIRMATION**

AutoMoney Inc. (“AutoMoney”) a secured creditor in the above captioned case, by and through its undersigned attorney, hereby files its Objection to Confirmation of the Debtors' Plan (“Objection”), on the following grounds:

**Statutory Basis**

1. This Court has jurisdiction of this proceeding under 28 U.S.C. §157(b)(2)(G).
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1408 and § 1409
3. The statutory predicates for relief are 11 U.S.C. § 506, 1323, 1325; Federal Rules of Bankruptcy Procedure 3015; and Local Bankruptcy Rules 3015-1, 3015-2, 3015-3.

**Facts**

4. AutoMoney is a creditor in the above captioned case and has a secured claim in the amount of \$ 1,376.40.

5. AutoMoney’s claim is secured by a properly perfected lien against the Debtor’s vehicle a (“Vehicle”). See **Exhibit A**.

6. Through the Plan filed on January 26, 2022 (“Plan”), the Debtors are asserting the Vehicle has a value of \$ 1,000.00.

7. The proposed Plan attempts to pay AutoMoney \$ 19.00 per month until the secured portion of the claim is paid in full.

8. According to the KBB value, the Vehicle has a current value of \$ 3,963. See **Exhibit B** attached hereto.

9. The KBB value indicates that the Debtors has/have undervalued AutoMoney’s collateral by \$ 2,963.

**Argument**

10. AutoMoney is objecting to the confirmation of the Plan Plan because it proposes to under pay AutoMoney for its secured claim, and as such does not comply with 11 U.S.C. § 1325(a)(5).

11. The Debtors' valuation is lower than the actual market value of this Vehicle and should not be accepted.

12. 11 U.S.C. § 506(a)(2) states that an allowed secured claim is allowed . . . “to the extent of the value of such creditor’s interest in the estate’s interest in such property . . .”

13. “Section 1325(a)(5)(B)(ii) requires the court to determine the value of property to be distributed under the plan, as of the effective date of the plan.” [8-1325 Collier on Bankruptcy P 1325.06](#)

14. AutoMoney asserts that the Plan is not providing its “value” under the proposed Plan.

15. Because Plan, as drafted, does not comply with 11 U.S.C. § 1325(a)(5) it cannot be confirmed.

WHEREFORE, Movant respectfully requests that after such notice and hearing as this Court deems appropriate, the Court deny confirmation of the Plan, or in the alternative direct the Debtor(s) to amend the Plan to conform to this objection, and to award any additional relief as the Court may deem proper.

**Markham Law Firm, LLC**

Date of Service: February 16, 2022

/s/Sean Markham  
Sean Markham, I.D. # 10145  
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# Exhibit A



## Electronic Title Copy

Vehicle ID Number	Year	Make	Model	Body Style	Lic Plate	Reg Exp
1HGCM56436A039937	2006	HOND	ACCORD	SD		

Weight	New/Used	Title Number	Odometer	State	Date Issued
3201	Used	0360415321478	191878	SC	12-10-2021

Vehicle Color

Full Name of Owner(s)  
CRYSTAL SOUTHERLAND  
117 LANG WISE RD  
PROSPERITY, SC 291276925

Liens(s)  
AUTOMONEY INC OF NEWBERRY  
930 WILSON RD  
NEWBERRY, SC 291084620

Lien Date: 12-07-2021  
ELT Number: 034132968  
LTN: 2710

\* Information has been supplied by the lienholder, not the state titling agency.

Document ID: NDFSFFAIWJ

**THIS IS NOT A TITLE**  
This is an official Premier eTitleLien® Report  
generated by a customer of DDI Technology.



**DDI Technology**

# Exhibit B

# 1 Compare Your Values

Use these values to help make a confident decision on whether to sell, trade or donate your car.

- Instant Cash Offer
- Trade-in
- Private Party
- Donate Your Car



Condition: 

Good

Valid for ZIP Code **29127** through **02/15/2022**

4.7 ★ (2291 Ratings)  
[Write a review](#)

## Private Party Value

Leverage this value to set your price and negotiate with private-party buyers.

Average Time to Sell:

**30 DAYS**

How Much to Expect:

**\$\$\$\$**

Level of Effort:



VINSON NISSAN  
1000 NORTH CHARLESTON BLVD  
CHARLESTON, SC 29405  
(803) 799-1111


2022 Nissan  
**Altima**

Lease For  
**\$279/mo**  
For 36 Months \$2,700 Down  
Payment With \$500 Bonus  
Cash  
  
Offer Expires 02/28/2022  
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